

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/21/2020

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

-against-

ARIEL ACOSTA, et al.,

Defendants.
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**19 CR 627 (VM)
ORDER**

VICTOR MARRERO, U.S.D.J.:

Counsel for the Government, with the consent of counsel for all Defendants (see Dkt. Nos. 78 & 79), requests that the Court issue an order correcting the apparent typographical error in the Court's September 8, 2020 order ("September 8, 2020 Order," Dkt. No. 75), which adjourned a September 11, 2020 status conference until November 13, 2020 but "ordered that time until September 11, 2020," rather than November 13, 2020, "shall be excluded from speedy trial calculations."

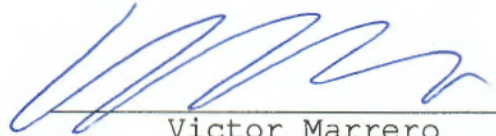
The Court will amend the September 8, 2020 Order in light of the parties' consent and the Court's intent -- evident from the text of the September 8, 2020 Order and the context in which it issued -- to clarify that time from September 11, 2020 through November 13, 2020 is excluded from Speedy Trial Act calculations. See United States v. Breen, 243 F.3d 591, 596-97 (2d Cir. 2001) (explaining that a district court's "failure to utter the magic words . . . at the time of ordering the continuance" was "not fatal" where "everybody knew" the court was determining to exclude time under the Speedy Trial

Act).

It is hereby ordered that the statement in the Court's September 8, 2020 Order that "time until September 11, 2020 shall be excluded from speedy trial calculations" is amended to state that "time until November 13, 2020 shall be excluded from speedy trial calculations."

SO ORDERED:

Dated: New York, New York
21 October 2020



Victor Marrero
U.S.D.J.